

1 AN ACT in relation to gambling.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Horse Racing Act is amended by
5 changing Section 26 as follows:

6 (230 ILCS 5/26) (from Ch. 8, par. 37-26)
7 Sec. 26. Wagering.

8 (a) Any licensee may conduct and supervise the
9 pari-mutuel system of wagering, as defined in Section 3.12 of
10 this Act, on horse races conducted by an Illinois
11 organization licensee or conducted at a racetrack located in
12 another state or country and televised in Illinois in
13 accordance with subsection (g) of Section 26 of this Act.
14 Subject to the prior consent of the Board, licensees may
15 supplement any pari-mutuel pool in order to guarantee a
16 minimum distribution. Such pari-mutuel method of wagering
17 shall not, under any circumstances if conducted under the
18 provisions of this Act, be held or construed to be unlawful,
19 other statutes of this State to the contrary notwithstanding.
20 Subject to rules for advance wagering promulgated by the
21 Board, any licensee may accept wagers in advance of the day
22 of the race wagered upon occurs.

23 (b) No other method of betting, pool making, wagering or
24 gambling shall be used or permitted by the licensee. Each
25 licensee may retain, subject to the payment of all applicable
26 taxes and purses, an amount not to exceed 17% of all money
27 wagered under subsection (a) of this Section, except as may
28 otherwise be permitted under this Act.

29 (b-5) An individual may place a wager under the
30 pari-mutuel system from any licensed location authorized
31 under this Act provided that wager is electronically recorded

1 in the manner described in Section 3.12 of this Act. Any
2 wager made electronically by an individual while physically
3 on the premises of a licensee shall be deemed to have been
4 made at the premises of that licensee.

5 (c) Until January 1, 2000, the sum held by any licensee
6 for payment of outstanding pari-mutuel tickets, if unclaimed
7 prior to December 31 of the next year, shall be retained by
8 the licensee for payment of such tickets until that date.
9 Within 10 days thereafter, the balance of such sum remaining
10 unclaimed, less any uncashed supplements contributed by such
11 licensee for the purpose of guaranteeing minimum
12 distributions of any pari-mutuel pool, shall be paid to the
13 Illinois Veterans' Rehabilitation Fund of the State treasury,
14 except as provided in subsection (g) of Section 27 of this
15 Act.

16 (c-5) Beginning January 1, 2000, the sum held by any
17 licensee for payment of outstanding pari-mutuel tickets, if
18 unclaimed prior to December 31 of the next year, shall be
19 retained by the licensee for payment of such tickets until
20 that date. Within 10 days thereafter, the balance of such
21 sum remaining unclaimed, less any uncashed supplements
22 contributed by such licensee for the purpose of guaranteeing
23 minimum distributions of any pari-mutuel pool, shall be
24 evenly distributed to the purse account of the organization
25 licensee and the organization licensee.

26 (d) A pari-mutuel ticket shall be honored until December
27 31 of the next calendar year, and the licensee shall pay the
28 same and may charge the amount thereof against unpaid money
29 similarly accumulated on account of pari-mutuel tickets not
30 presented for payment.

31 (e) No licensee shall knowingly permit any minor, other
32 than an employee of such licensee or an owner, trainer,
33 jockey, driver, or employee thereof, to be admitted during a
34 racing program unless accompanied by a parent or guardian, or

1 any minor to be a patron of the pari-mutuel system of
2 wagering conducted or supervised by it. The admission of any
3 unaccompanied minor, other than an employee of the licensee
4 or an owner, trainer, jockey, driver, or employee thereof at
5 a race track is a Class C misdemeanor. No person who is not
6 at least 21 years of age shall make any wager under the
7 pari-mutuel system of wagering conducted or supervised by the
8 licensee. The placing of a wager by a person who is not at
9 least 21 years of age in violation of this subsection (e) is
10 a Class C misdemeanor.

11 (f) Notwithstanding the other provisions of this Act, an
12 organization licensee may contract with an entity in another
13 state or country to permit any legal wagering entity in
14 another state or country to accept wagers solely within such
15 other state or country on races conducted by the organization
16 licensee in this State. Beginning January 1, 2000, these
17 wagers shall not be subject to State taxation. Until January
18 1, 2000, when the out-of-State entity conducts a pari-mutuel
19 pool separate from the organization licensee, a privilege tax
20 equal to 7 1/2% of all monies received by the organization
21 licensee from entities in other states or countries pursuant
22 to such contracts is imposed on the organization licensee,
23 and such privilege tax shall be remitted to the Department of
24 Revenue within 48 hours of receipt of the moneys from the
25 simulcast. When the out-of-State entity conducts a combined
26 pari-mutuel pool with the organization licensee, the tax
27 shall be 10% of all monies received by the organization
28 licensee with 25% of the receipts from this 10% tax to be
29 distributed to the county in which the race was conducted.

30 An organization licensee may permit one or more of its
31 races to be utilized for pari-mutuel wagering at one or more
32 locations in other states and may transmit audio and visual
33 signals of races the organization licensee conducts to one or
34 more locations outside the State or country and may also

1 permit pari-mutuel pools in other states or countries to be
2 combined with its gross or net wagering pools or with
3 wagering pools established by other states.

4 (g) A host track may accept interstate simulcast wagers
5 on horse races conducted in other states or countries and
6 shall control the number of signals and types of breeds of
7 racing in its simulcast program, subject to the disapproval
8 of the Board. The Board may prohibit a simulcast program
9 only if it finds that the simulcast program is clearly
10 adverse to the integrity of racing. The host track simulcast
11 program shall include the signal of live racing of all
12 organization licensees. All non-host licensees shall carry
13 the host track simulcast program and accept wagers on all
14 races included as part of the simulcast program upon which
15 wagering is permitted. The costs and expenses of the host
16 track and non-host licensees associated with interstate
17 simulcast wagering, other than the interstate commission fee,
18 shall be borne by the host track and all non-host licensees
19 incurring these costs. The interstate commission fee shall
20 not exceed 5% of Illinois handle on the interstate simulcast
21 race or races without prior approval of the Board. The Board
22 shall promulgate rules under which it may permit interstate
23 commission fees in excess of 5%. The interstate commission
24 fee and other fees charged by the sending racetrack,
25 including, but not limited to, satellite decoder fees, shall
26 be uniformly applied to the host track and all non-host
27 licensees.

28 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
29 intertrack wagering licensee other than the host track
30 may supplement the host track simulcast program with
31 additional simulcast races or race programs, provided
32 that between January 1 and the third Friday in February
33 of any year, inclusive, if no live thoroughbred racing is
34 occurring in Illinois during this period, only

1 thoroughbred races may be used for supplemental
2 interstate simulcast purposes. The Board shall withhold
3 approval for a supplemental interstate simulcast only if
4 it finds that the simulcast is clearly adverse to the
5 integrity of racing. A supplemental interstate simulcast
6 may be transmitted from an intertrack wagering licensee
7 to its affiliated non-host licensees. The interstate
8 commission fee for a supplemental interstate simulcast
9 shall be paid by the non-host licensee and its affiliated
10 non-host licensees receiving the simulcast.

11 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
12 intertrack wagering licensee other than the host track
13 may receive supplemental interstate simulcasts only with
14 the consent of the host track, except when the Board
15 finds that the simulcast is clearly adverse to the
16 integrity of racing. Consent granted under this
17 paragraph (2) to any intertrack wagering licensee shall
18 be deemed consent to all non-host licensees. The
19 interstate commission fee for the supplemental interstate
20 simulcast shall be paid by all participating non-host
21 licensees.

22 (3) Each licensee conducting interstate simulcast
23 wagering may retain, subject to the payment of all
24 applicable taxes and the purses, an amount not to exceed
25 17% of all money wagered. If any licensee conducts the
26 pari-mutuel system wagering on races conducted at
27 racetracks in another state or country, each such race or
28 race program shall be considered a separate racing day
29 for the purpose of determining the daily handle and
30 computing the privilege tax of that daily handle as
31 provided in subsection (a) of Section 27. Until January
32 1, 2000, from the sums permitted to be retained pursuant
33 to this subsection, each intertrack wagering location
34 licensee shall pay 1% of the pari-mutuel handle wagered

1 on simulcast wagering to the Horse Racing Tax Allocation
2 Fund, subject to the provisions of subparagraph (B) of
3 paragraph (11) of subsection (h) of Section 26 of this
4 Act.

5 (4) A licensee who receives an interstate simulcast
6 may combine its gross or net pools with pools at the
7 sending racetracks pursuant to rules established by the
8 Board. All licensees combining their gross pools at a
9 sending racetrack shall adopt the take-out percentages of
10 the sending racetrack. A licensee may also establish a
11 separate pool and takeout structure for wagering purposes
12 on races conducted at race tracks outside of the State of
13 Illinois. The licensee may permit pari-mutuel wagers
14 placed in other states or countries to be combined with
15 its gross or net wagering pools or other wagering pools.

16 (5) After the payment of the interstate commission
17 fee (except for the interstate commission fee on a
18 supplemental interstate simulcast, which shall be paid by
19 the host track and by each non-host licensee through the
20 host-track) and all applicable State and local taxes,
21 except as provided in subsection (g) of Section 27 of
22 this Act, the remainder of moneys retained from simulcast
23 wagering pursuant to this subsection (g), and Section
24 26.2 shall be divided as follows:

25 (A) For interstate simulcast wagers made at a
26 host track, 50% to the host track and 50% to purses
27 at the host track.

28 (B) For wagers placed on interstate simulcast
29 races, supplemental simulcasts as defined in
30 subparagraphs (1) and (2), and separately pooled
31 races conducted outside of the State of Illinois
32 made at a non-host licensee, 25% to the host track,
33 25% to the non-host licensee, and 50% to the purses
34 at the host track.

1 (6) Notwithstanding any provision in this Act to
2 the contrary, non-host licensees who derive their
3 licenses from a track located in a county with a
4 population in excess of 230,000 and that borders the
5 Mississippi River may receive supplemental interstate
6 simulcast races at all times subject to Board approval,
7 which shall be withheld only upon a finding that a
8 supplemental interstate simulcast is clearly adverse to
9 the integrity of racing.

10 (7) Notwithstanding any provision of this Act to
11 the contrary, after payment of all applicable State and
12 local taxes and interstate commission fees, non-host
13 licensees who derive their licenses from a track located
14 in a county with a population in excess of 230,000 and
15 that borders the Mississippi River shall retain 50% of
16 the retention from interstate simulcast wagers and shall
17 pay 50% to purses at the track from which the non-host
18 licensee derives its license as follows:

19 (A) Between January 1 and the third Friday in
20 February, inclusive, if no live thoroughbred racing
21 is occurring in Illinois during this period, when
22 the interstate simulcast is a standardbred race, the
23 purse share to its standardbred purse account;

24 (B) Between January 1 and the third Friday in
25 February, inclusive, if no live thoroughbred racing
26 is occurring in Illinois during this period, and the
27 interstate simulcast is a thoroughbred race, the
28 purse share to its interstate simulcast purse pool
29 to be distributed under paragraph (10) of this
30 subsection (g);

31 (C) Between January 1 and the third Friday in
32 February, inclusive, if live thoroughbred racing is
33 occurring in Illinois, between 6:30 a.m. and 6:30
34 p.m. the purse share from wagers made during this

1 time period to its thoroughbred purse account and
2 between 6:30 p.m. and 6:30 a.m. the purse share from
3 wagers made during this time period to its
4 standardbred purse accounts;

5 (D) Between the third Saturday in February and
6 December 31, when the interstate simulcast occurs
7 between the hours of 6:30 a.m. and 6:30 p.m., the
8 purse share to its thoroughbred purse account;

9 (E) Between the third Saturday in February and
10 December 31, when the interstate simulcast occurs
11 between the hours of 6:30 p.m. and 6:30 a.m., the
12 purse share to its standardbred purse account.

13 (8) Notwithstanding any provision in this Act to
14 the contrary, an organization licensee from a track
15 located in a county with a population in excess of
16 230,000 and that borders the Mississippi River and its
17 affiliated non-host licensees shall not be entitled to
18 share in any retention generated on racing, inter-track
19 wagering, or simulcast wagering at any other Illinois
20 wagering facility.

21 (8.1) Notwithstanding any provisions in this Act to
22 the contrary, if 2 organization licensees are conducting
23 standardbred race meetings concurrently between the hours
24 of 6:30 p.m. and 6:30 a.m., after payment of all
25 applicable State and local taxes and interstate
26 commission fees, the remainder of the amount retained
27 from simulcast wagering otherwise attributable to the
28 host track and to host track purses shall be split daily
29 between the 2 organization licensees and the purses at
30 the tracks of the 2 organization licensees, respectively,
31 based on each organization licensee's share of the total
32 live handle for that day, provided that this provision
33 shall not apply to any non-host licensee that derives its
34 license from a track located in a county with a

1 population in excess of 230,000 and that borders the
2 Mississippi River.

3 (9) (Blank).

4 (10) (Blank).

5 (11) (Blank).

6 (12) The Board shall have authority to compel all
7 host tracks to receive the simulcast of any or all races
8 conducted at the Springfield or DuQuoin State fairgrounds
9 and include all such races as part of their simulcast
10 programs.

11 (13) Notwithstanding any other provision of this
12 Act, in the event that the total Illinois pari-mutuel
13 handle on Illinois horse races at all wagering facilities
14 in any calendar year is less than 75% of the total
15 Illinois pari-mutuel handle on Illinois horse races at
16 all such wagering facilities for calendar year 1994, then
17 each wagering facility that has an annual total Illinois
18 pari-mutuel handle on Illinois horse races that is less
19 than 75% of the total Illinois pari-mutuel handle on
20 Illinois horse races at such wagering facility for
21 calendar year 1994, shall be permitted to receive, from
22 any amount otherwise payable to the purse account at the
23 race track with which the wagering facility is affiliated
24 in the succeeding calendar year, an amount equal to 2% of
25 the differential in total Illinois pari-mutuel handle on
26 Illinois horse races at the wagering facility between
27 that calendar year in question and 1994 provided,
28 however, that a wagering facility shall not be entitled
29 to any such payment until the Board certifies in writing
30 to the wagering facility the amount to which the wagering
31 facility is entitled and a schedule for payment of the
32 amount to the wagering facility, based on: (i) the racing
33 dates awarded to the race track affiliated with the
34 wagering facility during the succeeding year; (ii) the

1 sums available or anticipated to be available in the
2 purse account of the race track affiliated with the
3 wagering facility for purses during the succeeding year;
4 and (iii) the need to ensure reasonable purse levels
5 during the payment period. The Board's certification
6 shall be provided no later than January 31 of the
7 succeeding year. In the event a wagering facility
8 entitled to a payment under this paragraph (13) is
9 affiliated with a race track that maintains purse
10 accounts for both standardbred and thoroughbred racing,
11 the amount to be paid to the wagering facility shall be
12 divided between each purse account pro rata, based on the
13 amount of Illinois handle on Illinois standardbred and
14 thoroughbred racing respectively at the wagering facility
15 during the previous calendar year. Annually, the General
16 Assembly shall appropriate sufficient funds from the
17 General Revenue Fund to the Department of Agriculture for
18 payment into the thoroughbred and standardbred horse
19 racing purse accounts at Illinois pari-mutuel tracks.
20 The amount paid to each purse account shall be the amount
21 certified by the Illinois Racing Board in January to be
22 transferred from each account to each eligible racing
23 facility in accordance with the provisions of this
24 Section.

25 (h) The Board may approve and license the conduct of
26 inter-track wagering and simulcast wagering by inter-track
27 wagering licensees and inter-track wagering location
28 licensees subject to the following terms and conditions:

29 (1) Any person licensed to conduct a race meeting
30 at a track where 60 or more days of racing were conducted
31 during the immediately preceding calendar year or where
32 over the 5 immediately preceding calendar years an
33 average of 30 or more days of racing were conducted
34 annually or at a track located in a county that is

1 bounded by the Mississippi River, which has a population
2 of less than 150,000 according to the 1990 decennial
3 census, and an average of at least 60 days of racing per
4 year between 1985 and 1993 may be issued an inter-track
5 wagering license. Any such person having operating
6 control of the racing facility may also receive up to 6
7 inter-track wagering location licenses. In no event shall
8 more than 6 inter-track wagering locations be established
9 for each eligible race track, except that an eligible
10 race track located in a county that has a population of
11 more than 230,000 and that is bounded by the Mississippi
12 River may establish up to 7 inter-track wagering
13 locations. An application for said license shall be filed
14 with the Board prior to such dates as may be fixed by the
15 Board. With an application for an inter-track wagering
16 location license there shall be delivered to the Board a
17 certified check or bank draft payable to the order of the
18 Board for an amount equal to \$500. The application shall
19 be on forms prescribed and furnished by the Board. The
20 application shall comply with all other rules,
21 regulations and conditions imposed by the Board in
22 connection therewith.

23 (2) The Board shall examine the applications with
24 respect to their conformity with this Act and the rules
25 and regulations imposed by the Board. If found to be in
26 compliance with the Act and rules and regulations of the
27 Board, the Board may then issue a license to conduct
28 inter-track wagering and simulcast wagering to such
29 applicant. All such applications shall be acted upon by
30 the Board at a meeting to be held on such date as may be
31 fixed by the Board.

32 (3) In granting licenses to conduct inter-track
33 wagering and simulcast wagering, the Board shall give due
34 consideration to the best interests of the public, of

1 horse racing, and of maximizing revenue to the State.

2 (4) Prior to the issuance of a license to conduct
3 inter-track wagering and simulcast wagering, the
4 applicant shall file with the Board a bond payable to the
5 State of Illinois in the sum of \$50,000, executed by the
6 applicant and a surety company or companies authorized to
7 do business in this State, and conditioned upon (i) the
8 payment by the licensee of all taxes due under Section 27
9 or 27.1 and any other monies due and payable under this
10 Act, and (ii) distribution by the licensee, upon
11 presentation of the winning ticket or tickets, of all
12 sums payable to the patrons of pari-mutuel pools.

13 (5) Each license to conduct inter-track wagering
14 and simulcast wagering shall specify the person to whom
15 it is issued, the dates on which such wagering is
16 permitted, and the track or location where the wagering
17 is to be conducted.

18 (6) All wagering under such license is subject to
19 this Act and to the rules and regulations from time to
20 time prescribed by the Board, and every such license
21 issued by the Board shall contain a recital to that
22 effect.

23 (7) An inter-track wagering licensee or inter-track
24 wagering location licensee may accept wagers at the track
25 or location where it is licensed, or as otherwise
26 provided under this Act.

27 (8) Inter-track wagering or simulcast wagering
28 shall not be conducted at any track less than 5 miles
29 from a track at which a racing meeting is in progress.

30 (8.1) Inter-track wagering location licensees who
31 derive their licenses from a particular organization
32 licensee shall conduct inter-track wagering and simulcast
33 wagering only at locations which are either within 90
34 miles of that race track where the particular

1 organization licensee is licensed to conduct racing, or
2 within 135 miles of that race track where the particular
3 organization licensee is licensed to conduct racing in
4 the case of race tracks in counties of less than 400,000
5 that were operating on or before June 1, 1986. However,
6 inter-track wagering and simulcast wagering shall not be
7 conducted by those licensees at any location within 5
8 miles of any race track at which a horse race meeting has
9 been licensed in the current year, unless the person
10 having operating control of such race track has given its
11 written consent to such inter-track wagering location
12 licensees, which consent must be filed with the Board at
13 or prior to the time application is made.

14 (8.2) Inter-track wagering or simulcast wagering
15 shall not be conducted by an inter-track wagering
16 location licensee at any location within 500 feet of an
17 existing church or existing school, nor within 500 feet
18 of the residences of more than 50 registered voters
19 without receiving written permission from a majority of
20 the registered voters at such residences. Such written
21 permission statements shall be filed with the Board. The
22 distance of 500 feet shall be measured to the nearest
23 part of any building used for worship services, education
24 programs, residential purposes, or conducting inter-track
25 wagering by an inter-track wagering location licensee,
26 and not to property boundaries. However, inter-track
27 wagering or simulcast wagering may be conducted at a site
28 within 500 feet of a church, school or residences of 50
29 or more registered voters if such church, school or
30 residences have been erected or established, or such
31 voters have been registered, after the Board issues the
32 original inter-track wagering location license at the
33 site in question. Inter-track wagering location licensees
34 may conduct inter-track wagering and simulcast wagering

1 only in areas that are zoned for commercial or
 2 manufacturing purposes or in areas for which a special
 3 use has been approved by the local zoning authority.
 4 However, no license to conduct inter-track wagering and
 5 simulcast wagering shall be granted by the Board with
 6 respect to any inter-track wagering location within the
 7 jurisdiction of any local zoning authority which has, by
 8 ordinance or by resolution, prohibited the establishment
 9 of an inter-track wagering location within its
 10 jurisdiction. However, inter-track wagering and
 11 simulcast wagering may be conducted at a site if such
 12 ordinance or resolution is enacted after the Board
 13 licenses the original inter-track wagering location
 14 licensee for the site in question.

15 (9) (Blank).

16 (10) An inter-track wagering licensee or an
 17 inter-track wagering location licensee may retain,
 18 subject to the payment of the privilege taxes and the
 19 purses, an amount not to exceed 17% of all money wagered.
 20 Each program of racing conducted by each inter-track
 21 wagering licensee or inter-track wagering location
 22 licensee shall be considered a separate racing day for
 23 the purpose of determining the daily handle and computing
 24 the privilege tax or pari-mutuel tax on such daily handle
 25 as provided in Section 27.

26 (10.1) Except as provided in subsection (g) of
 27 Section 27 of this Act, inter-track wagering location
 28 licensees shall pay 1% of the pari-mutuel handle at each
 29 location to the municipality in which such location is
 30 situated and 1% of the pari-mutuel handle at each
 31 location to the county in which such location is
 32 situated. In the event that an inter-track wagering
 33 location licensee is situated in an unincorporated area
 34 of a county, such licensee shall pay 2% of the

1 pari-mutuel handle from such location to such county.

2 (10.2) Notwithstanding any other provision of this
3 Act, with respect to intertrack wagering at a race track
4 located in a county that has a population of more than
5 230,000 and that is bounded by the Mississippi River
6 ("the first race track"), or at a facility operated by an
7 inter-track wagering licensee or inter-track wagering
8 location licensee that derives its license from the
9 organization licensee that operates the first race track,
10 on races conducted at the first race track or on races
11 conducted at another Illinois race track and
12 simultaneously televised to the first race track or to a
13 facility operated by an inter-track wagering licensee or
14 inter-track wagering location licensee that derives its
15 license from the organization licensee that operates the
16 first race track, those moneys shall be allocated as
17 follows:

18 (A) That portion of all moneys wagered on
19 standardbred racing that is required under this Act
20 to be paid to purses shall be paid to purses for
21 standardbred races.

22 (B) That portion of all moneys wagered on
23 thoroughbred racing that is required under this Act
24 to be paid to purses shall be paid to purses for
25 thoroughbred races.

26 (11) (A) After payment of the privilege or
27 pari-mutuel tax, any other applicable taxes, and the
28 costs and expenses in connection with the gathering,
29 transmission, and dissemination of all data necessary to
30 the conduct of inter-track wagering, the remainder of the
31 monies retained under either Section 26 or Section 26.2
32 of this Act by the inter-track wagering licensee on
33 inter-track wagering shall be allocated with 50% to be
34 split between the 2 participating licensees and 50% to

1 purses, except that an intertrack wagering licensee that
2 derives its license from a track located in a county with
3 a population in excess of 230,000 and that borders the
4 Mississippi River shall not divide any remaining
5 retention with the Illinois organization licensee that
6 provides the race or races, and an intertrack wagering
7 licensee that accepts wagers on races conducted by an
8 organization licensee that conducts a race meet in a
9 county with a population in excess of 230,000 and that
10 borders the Mississippi River shall not divide any
11 remaining retention with that organization licensee.

12 (B) From the sums permitted to be retained pursuant
13 to this Act each inter-track wagering location licensee
14 shall pay (i) the privilege or pari-mutuel tax to the
15 State; (ii) 4.75% of the pari-mutuel handle on intertrack
16 wagering at such location on races as purses, except that
17 an intertrack wagering location licensee that derives its
18 license from a track located in a county with a
19 population in excess of 230,000 and that borders the
20 Mississippi River shall retain all purse moneys for its
21 own purse account consistent with distribution set forth
22 in this subsection (h), and intertrack wagering location
23 licensees that accept wagers on races conducted by an
24 organization licensee located in a county with a
25 population in excess of 230,000 and that borders the
26 Mississippi River shall distribute all purse moneys to
27 purses at the operating host track; (iii) until January
28 1, 2000, except as provided in subsection (g) of Section
29 27 of this Act, 1% of the pari-mutuel handle wagered on
30 inter-track wagering and simulcast wagering at each
31 inter-track wagering location licensee facility to the
32 Horse Racing Tax Allocation Fund, provided that, to the
33 extent the total amount collected and distributed to the
34 Horse Racing Tax Allocation Fund under this subsection

1 (h) during any calendar year exceeds the amount collected
2 and distributed to the Horse Racing Tax Allocation Fund
3 during calendar year 1994, that excess amount shall be
4 redistributed (I) to all inter-track wagering location
5 licensees, based on each licensee's pro-rata share of the
6 total handle from inter-track wagering and simulcast
7 wagering for all inter-track wagering location licensees
8 during the calendar year in which this provision is
9 applicable; then (II) the amounts redistributed to each
10 inter-track wagering location licensee as described in
11 subpart (I) shall be further redistributed as provided in
12 subparagraph (B) of paragraph (5) of subsection (g) of
13 this Section 26 provided first, that the shares of those
14 amounts, which are to be redistributed to the host track
15 or to purses at the host track under subparagraph (B) of
16 paragraph (5) of subsection (g) of this Section 26 shall
17 be redistributed based on each host track's pro rata
18 share of the total inter-track wagering and simulcast
19 wagering handle at all host tracks during the calendar
20 year in question, and second, that any amounts
21 redistributed as described in part (I) to an inter-track
22 wagering location licensee that accepts wagers on races
23 conducted by an organization licensee that conducts a
24 race meet in a county with a population in excess of
25 230,000 and that borders the Mississippi River shall be
26 further redistributed as provided in subparagraphs (D)
27 and (E) of paragraph (7) of subsection (g) of this
28 Section 26, with the portion of that further
29 redistribution allocated to purses at that organization
30 licensee to be divided between standardbred purses and
31 thoroughbred purses based on the amounts otherwise
32 allocated to purses at that organization licensee during
33 the calendar year in question; and (iv) 8% of the
34 pari-mutuel handle on inter-track wagering wagered at

1 such location to satisfy all costs and expenses of
2 conducting its wagering. The remainder of the monies
3 retained by the inter-track wagering location licensee
4 shall be allocated 40% to the location licensee and 60%
5 to the organization licensee which provides the Illinois
6 races to the location, except that an intertrack wagering
7 location licensee that derives its license from a track
8 located in a county with a population in excess of
9 230,000 and that borders the Mississippi River shall not
10 divide any remaining retention with the organization
11 licensee that provides the race or races and an
12 intertrack wagering location licensee that accepts wagers
13 on races conducted by an organization licensee that
14 conducts a race meet in a county with a population in
15 excess of 230,000 and that borders the Mississippi River
16 shall not divide any remaining retention with the
17 organization licensee. Notwithstanding the provisions of
18 clauses (ii) and (iv) of this paragraph, in the case of
19 the additional inter-track wagering location licenses
20 authorized under paragraph (1) of this subsection (h) by
21 this amendatory Act of 1991, those licensees shall pay
22 the following amounts as purses: during the first 12
23 months the licensee is in operation, 5.25% of the
24 pari-mutuel handle wagered at the location on races;
25 during the second 12 months, 5.25%; during the third 12
26 months, 5.75%; during the fourth 12 months, 6.25%; and
27 during the fifth 12 months and thereafter, 6.75%. The
28 following amounts shall be retained by the licensee to
29 satisfy all costs and expenses of conducting its
30 wagering: during the first 12 months the licensee is in
31 operation, 8.25% of the pari-mutuel handle wagered at the
32 location; during the second 12 months, 8.25%; during the
33 third 12 months, 7.75%; during the fourth 12 months,
34 7.25%; and during the fifth 12 months and thereafter,

1 6.75%. For additional intertrack wagering location
2 licenses authorized under this amendatory Act of 1995,
3 purses for the first 12 months the licensee is in
4 operation shall be 5.75% of the pari-mutuel wagered at
5 the location, purses for the second 12 months the
6 licensee is in operation shall be 6.25%, and purses
7 thereafter shall be 6.75%. For additional intertrack
8 location licensees authorized under this amendatory Act
9 of 1995, the licensee shall be allowed to retain to
10 satisfy all costs and expenses: 7.75% of the pari-mutuel
11 handle wagered at the location during its first 12 months
12 of operation, 7.25% during its second 12 months of
13 operation, and 6.75% thereafter.

14 (C) There is hereby created the Horse Racing Tax
15 Allocation Fund which shall remain in existence until
16 December 31, 1999. Moneys remaining in the Fund after
17 December 31, 1999 shall be paid into the General Revenue
18 Fund. Until January 1, 2000, all monies paid into the
19 Horse Racing Tax Allocation Fund pursuant to this
20 paragraph (11) by inter-track wagering location licensees
21 located in park districts of 500,000 population or less,
22 or in a municipality that is not included within any park
23 district but is included within a conservation district
24 and is the county seat of a county that (i) is contiguous
25 to the state of Indiana and (ii) has a 1990 population of
26 88,257 according to the United States Bureau of the
27 Census, and operating on May 1, 1994 shall be allocated
28 by appropriation as follows:

29 Two-sevenths to the Department of Agriculture.
30 Fifty percent of this two-sevenths shall be used to
31 promote the Illinois horse racing and breeding
32 industry, and shall be distributed by the Department
33 of Agriculture upon the advice of a 9-member
34 committee appointed by the Governor consisting of

1 the following members: the Director of Agriculture,
2 who shall serve as chairman; 2 representatives of
3 organization licensees conducting thoroughbred race
4 meetings in this State, recommended by those
5 licensees; 2 representatives of organization
6 licensees conducting standardbred race meetings in
7 this State, recommended by those licensees; a
8 representative of the Illinois Thoroughbred Breeders
9 and Owners Foundation, recommended by that
10 Foundation; a representative of the Illinois
11 Standardbred Owners and Breeders Association,
12 recommended by that Association; a representative of
13 the Horsemen's Benevolent and Protective Association
14 or any successor organization thereto established in
15 Illinois comprised of the largest number of owners
16 and trainers, recommended by that Association or
17 that successor organization; and a representative of
18 the Illinois Harness Horsemen's Association,
19 recommended by that Association. Committee members
20 shall serve for terms of 2 years, commencing January
21 1 of each even-numbered year. If a representative
22 of any of the above-named entities has not been
23 recommended by January 1 of any even-numbered year,
24 the Governor shall appoint a committee member to
25 fill that position. Committee members shall receive
26 no compensation for their services as members but
27 shall be reimbursed for all actual and necessary
28 expenses and disbursements incurred in the
29 performance of their official duties. The remaining
30 50% of this two-sevenths shall be distributed to
31 county fairs for premiums and rehabilitation as set
32 forth in the Agricultural Fair Act;

33 Four-sevenths to park districts or
34 municipalities that do not have a park district of

1 500,000 population or less for museum purposes (if
2 an inter-track wagering location licensee is located
3 in such a park district) or to conservation
4 districts for museum purposes (if an inter-track
5 wagering location licensee is located in a
6 municipality that is not included within any park
7 district but is included within a conservation
8 district and is the county seat of a county that (i)
9 is contiguous to the state of Indiana and (ii) has a
10 1990 population of 88,257 according to the United
11 States Bureau of the Census, except that if the
12 conservation district does not maintain a museum,
13 the monies shall be allocated equally between the
14 county and the municipality in which the inter-track
15 wagering location licensee is located for general
16 purposes) or to a municipal recreation board for
17 park purposes (if an inter-track wagering location
18 licensee is located in a municipality that is not
19 included within any park district and park
20 maintenance is the function of the municipal
21 recreation board and the municipality has a 1990
22 population of 9,302 according to the United States
23 Bureau of the Census); provided that the monies are
24 distributed to each park district or conservation
25 district or municipality that does not have a park
26 district in an amount equal to four-sevenths of the
27 amount collected by each inter-track wagering
28 location licensee within the park district or
29 conservation district or municipality for the Fund.
30 Monies that were paid into the Horse Racing Tax
31 Allocation Fund before the effective date of this
32 amendatory Act of 1991 by an inter-track wagering
33 location licensee located in a municipality that is
34 not included within any park district but is

1 included within a conservation district as provided
2 in this paragraph shall, as soon as practicable
3 after the effective date of this amendatory Act of
4 1991, be allocated and paid to that conservation
5 district as provided in this paragraph. Any park
6 district or municipality not maintaining a museum
7 may deposit the monies in the corporate fund of the
8 park district or municipality where the inter-track
9 wagering location is located, to be used for general
10 purposes; and

11 One-seventh to the Agricultural Premium Fund to
12 be used for distribution to agricultural home
13 economics extension councils in accordance with "An
14 Act in relation to additional support and finances
15 for the Agricultural and Home Economic Extension
16 Councils in the several counties of this State and
17 making an appropriation therefor", approved July 24,
18 1967.

19 Until January 1, 2000, all other monies paid into
20 the Horse Racing Tax Allocation Fund pursuant to this
21 paragraph (11) shall be allocated by appropriation as
22 follows:

23 Two-sevenths to the Department of Agriculture.
24 Fifty percent of this two-sevenths shall be used to
25 promote the Illinois horse racing and breeding
26 industry, and shall be distributed by the Department
27 of Agriculture upon the advice of a 9-member
28 committee appointed by the Governor consisting of
29 the following members: the Director of Agriculture,
30 who shall serve as chairman; 2 representatives of
31 organization licensees conducting thoroughbred race
32 meetings in this State, recommended by those
33 licensees; 2 representatives of organization
34 licensees conducting standardbred race meetings in

1 this State, recommended by those licensees; a
2 representative of the Illinois Thoroughbred Breeders
3 and Owners Foundation, recommended by that
4 Foundation; a representative of the Illinois
5 Standardbred Owners and Breeders Association,
6 recommended by that Association; a representative of
7 the Horsemen's Benevolent and Protective Association
8 or any successor organization thereto established in
9 Illinois comprised of the largest number of owners
10 and trainers, recommended by that Association or
11 that successor organization; and a representative of
12 the Illinois Harness Horsemen's Association,
13 recommended by that Association. Committee members
14 shall serve for terms of 2 years, commencing January
15 1 of each even-numbered year. If a representative
16 of any of the above-named entities has not been
17 recommended by January 1 of any even-numbered year,
18 the Governor shall appoint a committee member to
19 fill that position. Committee members shall receive
20 no compensation for their services as members but
21 shall be reimbursed for all actual and necessary
22 expenses and disbursements incurred in the
23 performance of their official duties. The remaining
24 50% of this two-sevenths shall be distributed to
25 county fairs for premiums and rehabilitation as set
26 forth in the Agricultural Fair Act;

27 Four-sevenths to museums and aquariums located
28 in park districts of over 500,000 population;
29 provided that the monies are distributed in
30 accordance with the previous year's distribution of
31 the maintenance tax for such museums and aquariums
32 as provided in Section 2 of the Park District
33 Aquarium and Museum Act; and

34 One-seventh to the Agricultural Premium Fund to

1 be used for distribution to agricultural home
2 economics extension councils in accordance with "An
3 Act in relation to additional support and finances
4 for the Agricultural and Home Economic Extension
5 Councils in the several counties of this State and
6 making an appropriation therefor", approved July 24,
7 1967. This subparagraph (C) shall be inoperative and
8 of no force and effect on and after January 1, 2000.

9 (D) Except as provided in paragraph (11) of
10 this subsection (h), with respect to purse
11 allocation from intertrack wagering, the monies so
12 retained shall be divided as follows:

13 (i) If the inter-track wagering licensee,
14 except an intertrack wagering licensee that
15 derives its license from an organization
16 licensee located in a county with a population
17 in excess of 230,000 and bounded by the
18 Mississippi River, is not conducting its own
19 race meeting during the same dates, then the
20 entire purse allocation shall be to purses at
21 the track where the races wagered on are being
22 conducted.

23 (ii) If the inter-track wagering
24 licensee, except an intertrack wagering
25 licensee that derives its license from an
26 organization licensee located in a county with
27 a population in excess of 230,000 and bounded
28 by the Mississippi River, is also conducting
29 its own race meeting during the same dates,
30 then the purse allocation shall be as follows:
31 50% to purses at the track where the races
32 wagered on are being conducted; 50% to purses
33 at the track where the inter-track wagering
34 licensee is accepting such wagers.

1 (iii) If the inter-track wagering is
2 being conducted by an inter-track wagering
3 location licensee, except an intertrack
4 wagering location licensee that derives its
5 license from an organization licensee located
6 in a county with a population in excess of
7 230,000 and bounded by the Mississippi River,
8 the entire purse allocation for Illinois races
9 shall be to purses at the track where the race
10 meeting being wagered on is being held.

11 (12) The Board shall have all powers necessary and
12 proper to fully supervise and control the conduct of
13 inter-track wagering and simulcast wagering by
14 inter-track wagering licensees and inter-track wagering
15 location licensees, including, but not limited to the
16 following:

17 (A) The Board is vested with power to
18 promulgate reasonable rules and regulations for the
19 purpose of administering the conduct of this
20 wagering and to prescribe reasonable rules,
21 regulations and conditions under which such wagering
22 shall be held and conducted. Such rules and
23 regulations are to provide for the prevention of
24 practices detrimental to the public interest and for
25 the best interests of said wagering and to impose
26 penalties for violations thereof.

27 (B) The Board, and any person or persons to
28 whom it delegates this power, is vested with the
29 power to enter the facilities of any licensee to
30 determine whether there has been compliance with the
31 provisions of this Act and the rules and regulations
32 relating to the conduct of such wagering.

33 (C) The Board, and any person or persons to
34 whom it delegates this power, may eject or exclude

1 from any licensee's facilities, any person whose
 2 conduct or reputation is such that his presence on
 3 such premises may, in the opinion of the Board, call
 4 into the question the honesty and integrity of, or
 5 interfere with the orderly conduct of such wagering;
 6 provided, however, that no person shall be excluded
 7 or ejected from such premises solely on the grounds
 8 of race, color, creed, national origin, ancestry, or
 9 sex.

10 (D) (Blank).

11 (E) The Board is vested with the power to
 12 appoint delegates to execute any of the powers
 13 granted to it under this Section for the purpose of
 14 administering this wagering and any rules and
 15 regulations promulgated in accordance with this Act.

16 (F) The Board shall name and appoint a State
 17 director of this wagering who shall be a
 18 representative of the Board and whose duty it shall
 19 be to supervise the conduct of inter-track wagering
 20 as may be provided for by the rules and regulations
 21 of the Board; such rules and regulation shall
 22 specify the method of appointment and the Director's
 23 powers, authority and duties.

24 (G) The Board is vested with the power to
 25 impose civil penalties of up to \$5,000 against
 26 individuals and up to \$10,000 against licensees for
 27 each violation of any provision of this Act relating
 28 to the conduct of this wagering, any rules adopted
 29 by the Board, any order of the Board or any other
 30 action which in the Board's discretion, is a
 31 detriment or impediment to such wagering.

32 (13) The Department of Agriculture may enter into
 33 agreements with licensees authorizing such licensees to
 34 conduct inter-track wagering on races to be held at the

1 licensed race meetings conducted by the Department of
2 Agriculture. Such agreement shall specify the races of
3 the Department of Agriculture's licensed race meeting
4 upon which the licensees will conduct wagering. In the
5 event that a licensee conducts inter-track pari-mutuel
6 wagering on races from the Illinois State Fair or DuQuoin
7 State Fair which are in addition to the licensee's
8 previously approved racing program, those races shall be
9 considered a separate racing day for the purpose of
10 determining the daily handle and computing the privilege
11 or pari-mutuel tax on that daily handle as provided in
12 Sections 27 and 27.1. Such agreements shall be approved
13 by the Board before such wagering may be conducted. In
14 determining whether to grant approval, the Board shall
15 give due consideration to the best interests of the
16 public and of horse racing. The provisions of paragraphs
17 (1), (8), (8.1), and (8.2) of subsection (h) of this
18 Section which are not specified in this paragraph (13)
19 shall not apply to licensed race meetings conducted by
20 the Department of Agriculture at the Illinois State Fair
21 in Sangamon County or the DuQuoin State Fair in Perry
22 County, or to any wagering conducted on those race
23 meetings.

24 (i) Notwithstanding the other provisions of this Act,
25 the conduct of wagering at wagering facilities is authorized
26 on all days, except as limited by subsection (b) of Section
27 19 of this Act.

28 (Source: P.A. 91-40, eff. 6-25-99.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.